

Casino Reinvestment Development Authority
Land Use Regulation and Enforcement
Division

Review Memorandum

TO: Lance Landgraf, AICP, PP, Land Use Hearing Officer

FROM: Robert L. Reid, AICP, PP, Land Use Regulation Officer

COPY: Applicant, Scott Collins, Esq., File

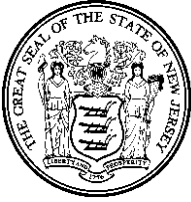
SUBJECT: Certificate of Nonconformity Request
Review Application and Support Documents
Application #2025-04-3817
Applicant: NextRes LLC
111 N. Indiana Avenue
Block 328, Lot 13
Atlantic City, NJ

DATE: April 21, 2025

The applicant, NextRes LLC has submitted an application to the Casino Reinvestment Development Authority "Authority" requesting a Certificate of Non-Conformity for a single-family dwelling at 111 N. Indiana Avenue, Lot 13 in Block 328. The Applicant seeks a Certificate of Non-Conformity pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-68) for the single-family dwelling on the property where such use is no longer permitted. The Certificate of Non-Conformity would certify that the use existed lawfully prior to a zoning change that rendered the use non-conforming and permit it to continue on the property.

According with the CRDA Land Use Regulations, adopted 2017, effective on 01/02/2018 the subject property is located in the Central Business District (CBD). NJAC 19:66-5.12, 1., i, does not permit single-family dwelling in the CBD District. The proposed use as a single-family dwelling does not comply with the permitted uses listed in NJAC 19:66-5.12, 1., i of the CRDA Land Use Regulations for Atlantic City.

The Municipal Land Use Law provides in part that any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied. (NJSA 40:55D-68) The owner can submit an application to the city for a Certificate of Land Use Compliance. A nonconforming use is one which existed on the property prior to the adoption of a zoning ordinance but which the ordinance does not now permit in the particular zone. (NJSA 40:55D-5)



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Evidence List / Documents submitted and/or researched to support the request for Certificate of Non-Conformity:

Application Form for Certificate of Non-Conformity, dated 01/24/2025;
A H Mueller Map Atlas dated 1908;
Sanborn Map Company Atlas dated 1921, updated 1926;
Sanborn Map Company Atlas dated 1952, updated 1964;
Sanborn Map Company Atlas dated 1997;
Property Record Card assessment records, dated 1966 to 1982;
Property Record Card assessment records dated 07/23/1981;
Land Survey dated 05/08/2023.

The documents listed above have been reviewed and the following are offered:

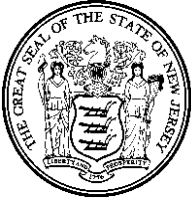
Plate 11 in A.H. Mueller Atlas depicts frame building in 1908.
Plate 45 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1921, updated 1926, depicts a two-story frame dwelling.
This was before the first land development ordinance was adopted in 1929.
Ord. # 23 of 1929 permitted single-family frame dwelling uses.
Plate 45 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1952, updated 1964, depicts a two-story frame dwelling.
Plate 45 in Atlas of Atlantic City prepared by the Sanborn Map Company, dated 1997, depicts a two-story frame dwelling.
Property Record card (Building Record card reverse) dated 1966 through 1982 indicates a two story single-family frame dwelling.
Property Record card (Building Record card reverse) dated 07/23/1981 indicates a one living unit with a diagram showing a two story frame dwelling.
Land Survey dated 05/08/2023 showing two story frame dwelling.

It should be acknowledged that the map atlases were based on exterior inspection only, and not an interior inventory of units as the common practice with tax assessment inspections.

The Applicant must meet the burden of proof for the relief requested. The Applicant has the obligation to present evidence to explain the history of the use. Specifically, the Applicant must provide evidence and testimony that the single-family dwelling lawfully existed prior to the adoption of the current zoning regulations. The Applicant must meet the burden of proof for the relief requested under the Municipal Land Use Law in order for the Hearing Officer to recommend that the application be approved by the Authority.

The applicant asserts that the property lawfully existed as a single-family frame dwelling from 1908 to the present and desires to continue the use as a single-family dwelling. The Applicant's evidence and research of the public record documents, demonstrate that the building was originally a two-story frame dwelling. It appears the two-story building has existed with no record of land use approvals for many years.

The documentary evidence provided by the Applicant appears to be sufficient (subject to testimony by the Applicant at the hearing) to consider the granting the requested relief.



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The Applicant's evidence and research of the public record documents demonstrate that the building was a two-story building before the first land development ordinance was adopted in 1929 and at the time N.J.A.C. 19:66 was in effect on 01/02/2018, which rendered such use nonconforming.

For all of the foregoing reasons, the Land Use Regulation Enforcement Officer recommends the request for a Non-Conformity Use Certification for a single-family dwelling be considered. Should the Authority grant of approval of this Application, it should be expressly conditioned upon all applicable requirements of the city of Atlantic City Code, NJAC 19:66 Land Use Regulations, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws. This includes the requirement to secure Certificate of Land Use Compliance.